

### REMARKS

Claims 1-13 are pending in the application. Claims 1-13 are rejected.

Claims 1 and 13 have been amended to clarify the claimed invention. The amendment is supported by the specification, for example page 12, line 27 through page 13, line 5 and Fig. 6.

Applicant's claimed receiver communication terminal equipment includes presence determining means for determining whether an operator of the receive communication terminal equipment is present.

Claims 1-13 are rejected under 35 U.S.C. § 102(e) as being anticipated by Hutton et al. (U.S. 6,108,704) (Hutton). The cited reference Hutton only describes features which determine whether the called terminal may be busy or off line.

Hutton does not recite or describe applicant's claimed presence determining means.

In the portion recited in the Office Action (Hutton et al., Fig. 9, labels 80-88), there is only descriptions of processes of a first internal protocol and a second internet protocol, and there is no description of the presence determining means.

However in contrast to Hutton applicant's claimed invention includes presence determining means, for example cited in claim 13, for determining said presence state of an operator of the communication terminal equipment.

For at least the foregoing reasons it is respectfully requested the rejection of claims 1 and 13 be withdrawn. Claims 2-12 depend from claim 1 and include at least the distinguishing features recited in claim 1 in addition to the distinguishing features recited in each dependent claim and the rejection of claims 2-12 should likewise be withdrawn.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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